

Remodelers to Face 'White-Glove' Test on Lead

By Cindy Skrzycki
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Remodeling contractors will have to pass a "white-glove" test under a new U.S. rule to prove their work doesn't stir up dangerous dust and debris from lead paint.

The [Environmental Protection Agency](#) mandate, which takes effect in 2010, covers some 38 million homes and child-care facilities built before 1978, when lead paint for residential use was banned. Studies show that the lead in old paint can cause cognitive and developmental problems in children.

"We believe this rule, which will require the use of lead-safe work-practice standards by contractors, is the capstone of EPA's regulatory efforts to further protect children from exposure to lead-based paint," said *James Gulliford*, assistant administrator for the *Office of Prevention, Pesticides and Toxic Substances*.

The EPA estimates that contractors will have to spend \$404 million a year for certification, training and recordkeeping, even after allowing them to use a dust rag instead of a lab test to lessen compliance costs. Contractors said the rule exposed them to legal liability, while health, environmental and housing groups said it should be stricter and took too long to implement.

The agency estimates in the final rule, published April 22, that some 4.4 million renovations and repair and painting jobs undertaken annually in the \$300 billion home-improvement market potentially involve lead. It predicts that the rule will save \$725 million to \$1.7 billion annually by preventing IQ loss in children.

The rule at some points seems like an infomercial for cleaning products. It includes a discussion of the best cleaning methods, filters for vacuum cleaners, whether contractors have to clean under rugs, the use of long-handled mops for floors and how much elbow grease is needed to get the job done.

The [National Association of Home Builders](#) in Washington, which represents 14,000 remodelers, doesn't agree with EPA **estimates that it will cost contractors an average of only \$35 a job to contain lead dust, clean it up and verify it's gone.**

"The \$35 doesn't even cover the disposable drop cloths," said *Matt Watkins*, the group's environmental policy analyst.

The government doesn't address the potential liability if a contractor gets sued, the increased cost of insurance or fines for noncompliance, Watkins said.

"There will be disincentives to hire a trained professional because it will cost more," he said. "The rule, ultimately, will not be effective because it will drive [homeowners] into the black market" of contractors who don't comply.

Watkins also complained that do-it-yourselfers, who raise plenty of lead dust on their own, aren't covered at all.

Health and home-advocacy groups said they are glad to see a rule, especially since it's taken 12 years and was proposed in 2006 only after a lawsuit forced the agency to act.

Advocacy groups were up in arms when they discovered that the agency was contemplating a voluntary alliance with industry in 2004 to address the problem.

An internal EPA presentation at the time said that was the "most cost-effective" approach.

Proponents of the mandatory rule said it was still flawed.

"Some of the shortcomings are so significant as to completely undermine it," said *Rebecca Morley*, executive director of the *National Center for Healthy Housing* in Columbia. The nonprofit group gets grant money from the EPA and other federal agencies to research children's health issues.

Public interest groups complained that the rule gave homeowners false assurances that lead has been removed, did not require training for all workers and exempted some small jobs.

They also criticized the cleaning procedure the EPA prescribed to prove compliance -- what the rule calls achieving "white-glove" status. It involved a three-step process: two wet wipes of a cleaning cloth followed by one dry wipe if needed.

The EPA opted for this cheaper, faster way, instead of requiring contractors to take a sample from a finished surface and send it to a lab for evaluation -- a more costly step used in some other rules.

The agency said it abandoned a more aggressive cleaning protocol contained in its initial proposal in 2006 that required indefinite wiping until the white-glove level was reached.

"EPA is concerned about the possibility of requiring potentially indefinite cleaning by renovation contractors," making them responsible for preexisting dirt or grime, the agency said in the rule.

So it did studies on dust and the use of disposable cleaning cloths to come up with the three-wipe solution.

"All of the leaded dust generated by the renovation will have been cleaned up by two wet wipes followed by one dry wipe, where necessary," it said.

The certified renovator then will match the wipe to a "reference" card to check the level of cleanliness. If not clean enough after the first or second try, the third time is supposed to be the charm.

"The cleaning-verification process is borderline laughable," said *Patrick MacRoy*, executive director of *Alliance for Healthy Homes*, a nonprofit group working to prevent hazards in the home. "It's run a wet cloth over the area and eyeball it to see if it's as white as a standard reference card."

EPA's Gulliford said the agency looked for "an affordable test that performed" and is requiring "significant training for these contractors to do the test well."

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